IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

(1) Suit No. 871 of 2005

Madhavlal N.Pittie ..Plaintiff

vs.

Mr.Vardaraj Yellappa Amin ..Defendant

(2) Suit No.874 of 2005

Madhavlal N.Pittie ..Plaintiff

vs.

Mr.Subhash Bhikoba Chavan ...Defendant

(3) Suit No. 923 of 2005

Madhavlal N.Pittie ..Plaintiff

vs.

Mohamed Hussain Tailor ..Defendant

Mrs.Snehal Modi for plaintiff.

CORAM: S.C.DHARMADHIKARI J.
16th July, 2007

P.C.

. Mrs.Modi, learned Counsel appearing for the plaintiff, submits that in the light of law laid down recently by the Full Bench of this Court, a relief of seeking possession from the gratituous licensee cannot be sought in this Court and such a suit for possession of immovable property and decree based thereupon must be filed in the Court of Small Causes at Bombay.

2. It is in these circumstances that the plaintiff seeks return of the plaint in these suits for presentation of the same before proper Court.

3. In my inherent powers and with a view to do complete justice to the parties, I direct that the plaint in each of the suits shall be returned to the plaintiff for presentation to proper Court. Needless to state that the petitioner would be at liberty to make appropriate submissions with regard to bar of limitation, if raised. All contentions on merits as well as on limitation are expressly kept open.

(S.C.DHARMADHIKARI J.)